

30 JUL 1973

Dr. James B. Rhoads
Archivist of the United States
National Archives and Records Service
Washington, D. C. 20408

Dear Dr. Rhoads:

In reply to your inquiry whether the list of the Ernst-Schwartz papers should be made public, it appears to us that the list amounts to a substantial identification of the subject matter of those papers and as such should be considered part of them. The list would therefore seem to fall within the restrictions imposed by the donor's request that the papers not be made public prior to 24 December 1974. While it would be premature now to determine whether restrictions may be needed beyond that date, we will be happy to review the matter if release is sought at that time.

SIGNED

John S. Warner
Acting General Counsel

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THE OKLAHOMA PUBLISHING COMPANY
THE DAILY OKLAHOMAN-OKLAHOMA CITY TIMES
OKLAHOMA CITY, OKLAHOMA 73125

26 July 1973

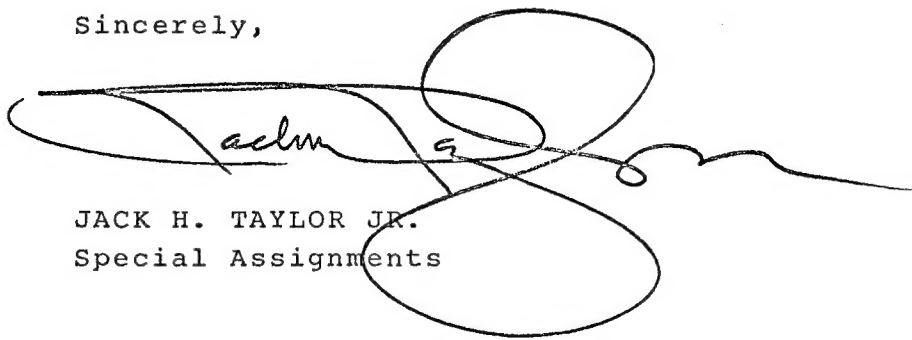
Mr. Angus MacLean Thuermer
Assistant to the Director
Office of the Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Thuermer:

In your letter of 5 July you stated that previous requests for declassification have resulted in less than 5% declassification of recent CIA material.

We would appreciate being informed what specific documents have been declassified and released pursuant to Freedom of Information Act (5 U.S.C. 552) requests, and what documents have been considered and rejected for declassification pursuant to similar requests.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'J. Taylor Jr.', is written over the typed name and title.

JACK H. TAYLOR JR.
Special Assignments

30 July 1973
in A/DCI

5 July 1973

Mr. Jack H. Taylor, Jr.
Special Assignments
The Daily Oklahoman-Oklahoma City Times
Oklahoma City, Oklahoma 73125

Dear Mr. Taylor:

Further in response to your request of 19 March concerning various documents relating to the Vietnam war, your letter of 27 May questioned the likelihood of our declassifying documents that are less than ten years old. Declassification decisions are based upon the substantive content of each document. Unfortunately, for this reason, any speculation as to the number of documents that could be declassified would be meaningless. As a rough guide, previous requests for declassification of such recent material have resulted in less than 5% being declassified. However, we cannot speculate on the likelihood of declassification until the specific documents are identified.

Pursuant to your attempting to narrow the scope of your request, you requested that we provide you with an index of recurring CIA reports concerning the subject matter of your request. We know of no such unclassified index.

The Central Intelligence Agency routinely disseminated intelligence reports to the United States military representatives stationed in Quang Ngai Province. However, the CIA neither planned nor assisted in the execution of the military operation carried out at My Lai on 16 March 1968.

Sincerely,

/s/ Angus MacLean Thuermer

Angus MacLean Thuermer
Assistant to the Director

A/DCI:AMT/jlp (5July73)

Distribution:

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THE OKLAHOMA PUBLISHING COMPANY
THE DAILY OKLAHOMAN-OKLAHOMA CITY TIMES
OKLAHOMA CITY, OKLAHOMA 73125

25 July 1973

Mr. Angus MacLean Thuermer
Assistant to the Director
Office of the Director
Central Intelligence Agency
Washington, D.C. 20505

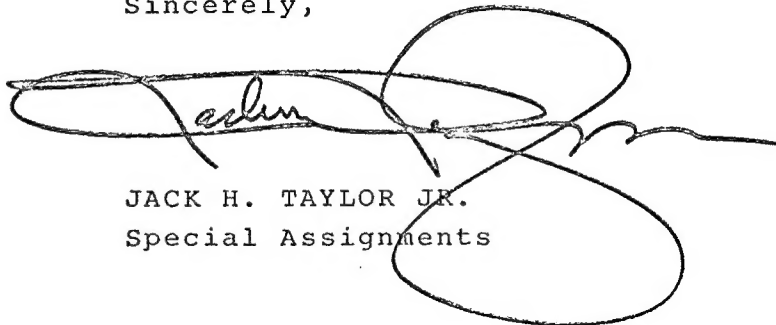
Dear Mr. Thuermer:

Your attention is invited to our exchange of correspondence pertaining to our request for certain documents concerning the Vietnam War.

In your letter of 21 May you stated you would respond in the near future concerning our request for the document referred to as an Operation PHOENIX summary distributed to defense counsel for My Lai defendants by CIA briefing officials.

Since it has been more than two months since you stated you would respond in the near future, it appears that action may have been forgotten and we felt you would appreciate a reminder that we are still anticipating your response.

Sincerely,



JACK H. TAYLOR JR.
Special Assignments

in A/DCI



CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

OFFICE OF THE DIRECTOR

21 MAY
1973

Mr. Jack H. Taylor, Jr.
Special Assignments
The Daily Oklahoman-Oklahoma City Times
Oklahoma City, Oklahoma 73125

Dear Mr. Taylor:

Further in response to your request of 19 March concerning various documents relating to the Vietnam war, the requests outlined in your first eight requesting paragraphs are in very broad, all-inclusive terms. It will be necessary to undertake research to locate, and to be satisfied that we have located, all such documents. Under Section 483(a) of the United States Code and Section 1900. 51 of Part 1900, Title 32 of the Code of Federal Regulations, a fee is authorized to be charged. We have set this fee at \$6 per manhour for the research and \$0.10 per page for documents furnished, although that does not fully compensate the government for the expense involved. We estimate that the work will involve at least 30 manhours. Therefore, if you will forward your check in the amount of \$180, made payable to the Treasurer of the United States, we will be glad to go forward with the research. However, you may desire to narrow your request to reduce the research and thereby reduce the cost. I presume you could do this by being more specific as to dates or perhaps confining your requests to directives or instructions at certain CIA levels or otherwise. Also, it may be that additional research will be required. We will not proceed with research for which you would be billed without first obtaining your agreement.

You should understand, however, that it is likely that any documents meeting the descriptions of those first eight paragraphs are classified. Further, nearly all, if in fact not all, of such documents are not sufficiently old to require the 10-year declassification review. If you do want us to go ahead with the research, we of course will consider for declassification any documents we locate, notwithstanding that declassification review is not required. But you should

be aware that there is no right of appeal to the CIA Information Review Committee or to the Interagency Classification Review Committee in the event declassification is refused.

With respect to the requests in your last two paragraphs, there are no instructions from the CIA General Counsel to CIA personnel pertaining to the potential subpoena of personnel in connection with the courts-martial of My Lai defendants. The instructions to the CIA representative dispatched to Fort McPherson to brief My Lai defense counsel on Operation Phoenix in January 1971 and his subsequent report were not written. I will respond to you further in the near future concerning your request for the document you refer to as an Operation Phoenix summary distributed to defense counsel by CIA briefing officers.

With reference to your letter of 9 May 1973, I regret that I failed to inform you in timely fashion that our reply would require additional time. We do our very best to comply with that and all other proper requirements on us. For your information, the requirement to so inform you is not a "statutory responsibility". Section 1900.7(d) is a part of a CIA regulation which is published in Title 32, Part 1900 of the Code of Federal Regulations.

Sincerely,

/s/ Angus MacLean Thuermer

Angus MacLean Thuermer
Assistant to the Director

OGC:RHL:sin (16 May 1973)

Original - Addressee

- 1 - Asst. to DCI
- 1 - SAIC
- 1 - OGC

STAT

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